

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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LEXY AVILA,

Plaintiff,

-against-

19 **CIVIL** 11920 (VEC)

JUDGMENT

STACY TENZIE, NYC CORRECTIONAL
OFFICER SHIELD NO. 1478,

Defendant.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated August 7, 2021, in short, even when construing Avila's claims liberally, it is clear that she has not stated a claim that entitles her to relief. The Court therefore adopts the R&R in full, grants Defendant's motion to dismiss, and dismisses this case.

Because the R&R gave the parties adequate warning, *see* R&R at 18, Plaintiff's failure to file any objections to the R&R precludes appellate review of this decision. *See Mario v. P & C Food Markets, Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) ("Where parties receive clear notice of the consequences, failure timely to object to a magistrate's report and recommendation operates as a waiver of further judicial review of the magistrate's decision."). Because appellate review is precluded, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and, therefore, permission to proceed *in forma pauperis* for purposes of appeal is denied; accordingly, the case is closed.

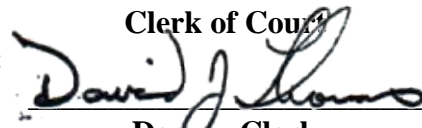
Dated: New York, New York

August 9, 2021

RUBY J. KRAJICK

Clerk of Court

BY:


Deputy Clerk
